

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )

v. )

KEITH CHURN )

CASE NO. 3:10-00116

CHIEF JUDGE HAYNES

**MOTION TO RESET TRIAL DATE AND  
EXCLUDE TIME UNDER SPEEDY TRIAL**

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and pursuant to Title 18, United States Code, Section 3161(h)(3)(A) and (7)(A) moves this Court to reset the trial date in this matter from February 5, 2013, to March 12, 19 or 26, 2013.

This case is currently set for trial on February 5, 2013. Both parties are prepared to proceed to trial on that date. However, the case of United States v. Marshawn L. Lytle, Case No. 3:05cr00147, is also set for trial on February 5, 2013, and has precedence over the instant case. Undersigned counsel has been advised by AUSA Philip Wehby, the prosecutor in the Lytle case, that both parties in that case expect that it will proceed to trial on February 5, 2013. Rather than beginning the trial in the instant case immediately after the completion of the trial in the Lytle case, the United States moves for a short continuance of the trial date in this case due to the fact that an essential witness for the United States will be unavailable from February 8, 2013, until February 18, 2013.

Undersigned counsel has been authorized by defense counsel, Barry Tidwell, to advise the Court that the defendant has no objection to such a continuance and that the defendant's